

REMARKS

The Restriction Requirement dated October 19, 2004, has been received and reviewed.

Claims 1-51 are currently pending in the above-referenced application. These claims are subject to the Restriction Requirement.

The Office has identified two groups of claims to which restriction is required:

- I. A coated optical sensor, including claims 1-25; and
- II. A composite waveguide, including claims 26-51.

An election is hereby made, with traverse, to prosecute claims 1-25 of group I. The Restriction Requirement is traversed for a number of reasons.

First, the claims of Group I and Group II are directed to substantially the same subject matter—apparatus for performing specific binding assays.

Second, the apparatus of the claims of both Group I and Group II include substantially the same elements. In particular, independent claim 1 recites an apparatus that must include a composite waveguide (which has been identified as the subject of the search for the claims of Group II), a light source, and a light detection device. Independent claim 26 similarly requires a composite waveguide, a light source, and a light detector.

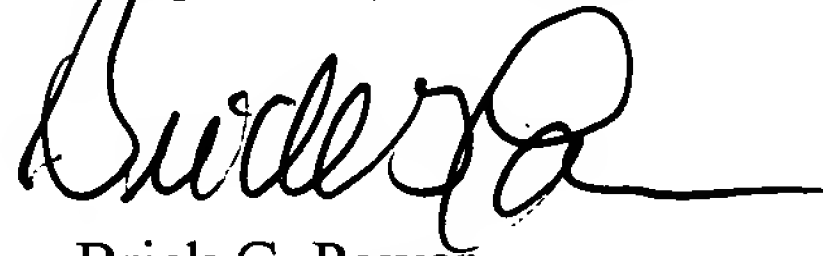
The primary difference between independent claims 1 (Group I) and 26 (Group II) is the requirement that the light detection device of independent claim 1 be “positioned in a cone of collection angles,” while independent claim 26 requires that a light detector be “positioned to detect light . . . emitted through at least [a] waveguide film” of the composite waveguide.

In view of the similarities between the claims of Group I and those of Group II, withdrawal of the restriction requirement is respectfully requested.

Serial No. 09/973,557

An early and favorable action on the merits of claims 1-51 is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power", written over a horizontal line.

Brick G. Power

Registration No. 38,581

Attorney for Applicants

TRASKBRITT, PC

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Date: November 18, 2004

BGP/rmh

Document in ProLaw